

**ASSEMBLY BILL**

**No. 2034**

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**Introduced by Assembly Member Knight**  
(Principal coauthor: Senator Runner)

February 17, 2010

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An act to amend Section 44836 of the Education Code, relating to public school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2034, as introduced, Knight. Public school volunteers: persons convicted of sex or controlled substance offenses.

(1) Existing law prohibits school district governing boards from employing or retaining in employment persons in public school service who have been convicted of a designated sex offense or controlled substance offense unless the conviction is reversed and the person is acquitted of the offense in a new trial, or the charges against him or her are dismissed.

This bill would also prohibit school district governing boards from allowing persons who have been convicted of these offenses, and who have not been subsequently acquitted or had the charges against them dismissed, from voluntarily participating in school activities. Because this bill would impose new duties on school districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44836 of the Education Code is amended  
2 to read:

3 44836. (a) (1) The governing board of a school district shall  
4 not employ or retain in employment persons in public school  
5 service who have been convicted, or who have been convicted  
6 following a plea of nolo contendere to charges, of any sex offense  
7 as defined in Section 44010. *The governing board of a school*  
8 *district also shall not allow a person to whom this paragraph is*  
9 *applicable to voluntarily participate in any district activities.*

10 (2) If a person's conviction of a sex offense as defined in Section  
11 44010 is reversed and the person is acquitted of the offense in a  
12 new trial or the charges against him or her are dismissed, this  
13 section does not prohibit his or her employment *or ability to*  
14 *voluntarily participate in district activities* thereafter. If the  
15 dismissal was pursuant to Section 1203.4 of the Penal Code and  
16 the victim of the sex offense was a minor, this section does prohibit  
17 the person's employment *and voluntary participation in district*  
18 *activities.*

19 (b) (1) The governing board of a school district also shall not  
20 employ or retain in employment persons in public school service  
21 who have been convicted of any controlled substance offense as  
22 defined in Section 44011. *The governing board of a school district*  
23 *also shall not allow a person to whom this paragraph is applicable*  
24 *to voluntarily participate in any district activities.*

25 (2) If a person's conviction for a controlled substance offense  
26 as defined in Section 44011 is reversed and the person is acquitted  
27 of the offense in a new trial or the charges against him or her are  
28 dismissed, this section does not prohibit his or her employment *or*  
29 *ability to voluntarily participate in district activities* thereafter.

30 (c) Notwithstanding subdivision (b), the governing board of a  
31 school district may employ a person convicted of a controlled  
32 substance offense in a position requiring certification qualifications

1 if that person holds an appropriate credential issued by the  
2 Commission on Teacher Credentialing.

3 SEC. 2. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

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